

The Honorable David G. Estudillo

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,
Plaintiff,
v.
JEREMY CRAHAN,
Defendant.

| NO. CR23-5167 DGE

GOVERNMENT'S RESPONSE TO MOTION FOR RELEASE FROM DETENTION FOR MEDICAL ATTENTION

A. Introduction.

For the second time during these proceedings, Jeremy Crahan has filed a motion seeking release from detention based on medical concerns. It is somewhat unclear from the motion and accompanying declaration whether Crahan is seeking a permanent release from custody pending sentencing, or a temporary release for a two-week period. Regardless, based on the record before the Court, release is not necessary, warranted, or appropriate.

B. Background.

Crahan filed a motion for release on February 15, 2023. Dkt. 37. Like the instant motion, Crahan's first motion contained no supporting medical records and was filed without prior consultation with the government or the FDC medical staff.

The same day, the government filed a response in opposition to the motion, attaching (under seal) the FDC medical records. Those records documented *both* that

1 Crahan was suffering from legitimate medical issues, *and* that the FDC medical staff had
 2 been extremely responsive and proactive in treating Crahan. Dkt. 38 at 2-3. These
 3 medical issues predated Crahan's time in custody, and by his own account there were
 4 recurring flare-ups a few times over the past several years – undermining Crahan's claim
 5 that the FDC was to blame for a flare-up that had occurred while he was in custody.
 6 Dkt. 38 at 3.

7 Nonetheless, Magistrate Judge Creatura heard oral argument and granted Crahan's
 8 motion for release. Dkt. 48.

9 As this Court well knows, Crahan went on to violate the conditions of his
 10 appearance bond by testing positive for methamphetamine use on multiple occasions.
 11 This was obviously inconsistent with the singular purpose of Crahan's release – to pursue
 12 medical treatment. As a result, on June 23, 2023, this Court entered a Temporary
 13 Detention Order (Dkt. 64), and on June 26, 2023, the Court permanently revoked the
 14 appearance bond and entered a pretrial detention order. Dkt. 69.

15 **C. The Current FDC Medical Records.**

16 Crahan's motion claims that he needs to be released to seek medical treatment, but
 17 he fails to provide the Court with any supporting documentation or specifics about the
 18 treatment he believes he needs but is not receiving at the FDC. And, the FDC's medical
 19 records are inconsistent with Crahan's motion.

20 Since his return from custody, Crahan has been seen by the FDC medical staff on
 21 multiple occasions:

22 On June 23, 2023, the FDC medical staff conducted an intake exam upon Crahan's
 23 return to the FDC. During the exam, the staff discussed with Crahan his prior medical
 24 issues and reviewed his list of prescribed medications. Exhibit 1 at 25-30.

25 On June 26, 2023, the FDC medical staff ordered several lab tests, including blood
 26 and urine analysis. Exhibit 1 at 4.

1 On July 19, 2023, Crahan met again with the FDC medical staff. Exhibit 1 at 40-
 2 52. During this exam, Crahan complained of hip and ankle pain. Exhibit 1 at 42. The
 3 medical staff conducted a thorough and careful exam of Crahan, noting that he had
 4 swollen ankles (consistent with his prior medical issues) and significant swelling caused
 5 by rheumatoid arthritis in one of the fingers on his left hand. Exhibit 1 at 42, 43, 49, 51.
 6 The medical staff ordered x-rays that were scheduled for August 21, 2023. Exhibit 1 at
 7 51. During this same examination, Crahan claimed that his outside doctors previously
 8 told him to stop taking a prescribed thyroid medication and he denied having a diagnosis
 9 for “DVT.” Exhibit 1 at 42.

10 Crahan next saw the FDC medical staff on August 22, 2023. Exhibit 1 at 1-4.
 11 Crahan stated that he had stopped taking *all* his medications after his release from
 12 custody, claiming that he was told by Virginia Mason infectious disease clinic personnel
 13 to cease all medications. Exhibit 1 at 1. However, the FDC staff contacted Virginia
 14 Mason and learned the exact opposite. In fact, Crahan’s doctors told him to *continue* all
 15 his medications but that he needed to get them refilled by the original prescribing doctors.
 16 Exhibit 1 at 1.

17 During the same exam, and based on his recent lab results, the FDC medical staff
 18 recommended that Crahan re-start certain medications, “but he refused the medication
 19 and refused to sign the medical refusal form.” Exhibit 1 at 1. Crahan also rebuffed the
 20 recommendation that he use blood thinners, claiming that an outside doctor told him he
 21 did not need them. Exhibit 1 at 1.

22 **D. Conclusion.**

23 Crahan asks to be released – suggesting he would receive better medical care by
 24 outside providers. But his established track record upon release is to cease using his
 25 prescribed medications and, instead, to abuse methamphetamine.

26 The record before the Court establishes that Crahan is receiving adequate medical
 27 care at the FDC. Crahan fails to provide the Court with any specific, contrary

1 information. It is further clear that Crahan's refusal to have taken his prescribed
2 medications over the last several months has contributed to the medical issues he now
3 complains of.

4 Under Title 18, United States Code, Section 3143(a)(2), this Court "shall order"
5 that a person who has been found guilty of an offense such as Crahan's be detained
6 unless there is "clear and convincing evidence" that the person is not likely to flee or pose
7 a danger to the community. There is no such evidence in this case. And on this record,
8 Crahan's motion does not support the extraordinary remedy of release for medical
9 reasons.

10 DATED this 11th day of September, 2023.

11
12 Respectfully submitted,
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